

Exhibit 25.1

EXHIBIT B

1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

2

3 GAIL LUCILLE INGHAM)
and ROBERT INGHAM, et)
4 al.,)
)
5 Plaintiffs,) Case Number:
) 1522-CC10417

6 v.)
)

7 JOHNSON & JOHNSON, et)
al.,)
8)
Defendants.)

9

CROSS-NOTICED IN DISTRICT OF COLUMBIA AND MDL

10

WEDNESDAY, APRIL 19, 2017

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13 Videotaped deposition of Joanne
14 Waldstreicher, M.D., held at the offices of
15 McCarter and English, 4 Gateway Center, 100
16 Mulberry Street, Newark, New Jersey,
17 commencing at 8:59 a.m., on the above date,
18 before Carrie A. Campbell, Registered
19 Diplomat Reporter, Certified Realtime
20 Reporter, Illinois, California & Texas
21 Certified Shorthand Reporter, Missouri &
22 Kansas Certified Court Reporter.

23

- - -

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25

1 hundreds of companies that are in the
2 umbrella or related somehow.

3 Was there one specific company
4 that you were working for?

5 MS. SHARKO: Object to the form
6 of the question.

7 THE WITNESS: When I joined
8 Johnson & Johnson, I joined a specific
9 company, Johnson & Johnson
10 Pharmaceutical Research and
11 Development, which was a research
12 company within Johnson & Johnson, one
13 of its operating companies.

14 QUESTIONS BY MR. LANIER:

15 Q. All right. And then at some
16 point in time you took the title of Johnson &
17 Johnson chief medical officer; is that right?

18 A. I was appointed as Johnson &
19 Johnson chief medical officer. At the end of
20 2012 and at the beginning of 2013, took on
21 that position.

22 Q. All right. So, yes, you became
23 the chief medical officer.

24 And then I was going to ask
25 you -- the next question was going to be

1 when, but I think you've already answered
2 that: appointed in 2012, effective 2013?

3 A. Started the position at the
4 beginning of 2013, yes. End of 2012,
5 beginning of 2013.

6 Q. And are you still that today?

7 A. Yes, I am.

8 Q. So that is your current job?

9 A. Yes.

10 Q. Who was the chief medical
11 officer before you at Johnson & Johnson?

12 A. It was a new position.

13 Q. So until 2013, Johnson &
14 Johnson did not have a chief medical officer;
15 is that right?

16 A. Johnson & Johnson did not have
17 a chief medical officer before then.

18 The individual sectors had
19 either a chief medical officer or a chief
20 safety officer.

21 Q. And when you became the chief
22 medical officer for Johnson & Johnson, you
23 brought about some changes or at least
24 represented a new focus for the company,
25 fair?

1 company's position statements about talc
2 after the jury awards that came out last
3 year?

4 MS. SHARKO: Object to the form
5 of the question.

6 THE WITNESS: I'm familiar with
7 some of the statements.

8 QUESTIONS BY MR. LANIER:

9 Q. In fact, you gave one of the
10 video statements, didn't you?

11 A. I recorded a video.

12 (Waldstreicher Exhibit 3 marked
13 for identification.)

14 QUESTIONS BY MR. LANIER:

15 Q. I'm going to give you a
16 document we're marking as Exhibit Number 3.

17 And Exhibit Number 3 is one of
18 these PR statements or releases dated May 2,
19 2016, entitled "A Message About Talc, Johnson
20 & Johnson."

21 Do you have Exhibit 3 in front
22 of you?

23 A. I do.

24 MS. SHARKO: Object to the form
25 of the question.

1 QUESTIONS BY MR. LANIER:

2 Q. And are you able to see it and
3 see the little baby powder container on the
4 front?

5 A. I see that.

6 Q. Now, if you'll look -- and if
7 you need to take more time, we can certainly
8 do that, but this is pretty easy down here.

9 There's a section called
10 "safety."

11 Do you see that?

12 A. I do see that.

13 Q. Now, that's important to be
14 transparent on that. This is important that
15 you be honest, right?

16 A. It's very important to be
17 honest.

18 Q. Did anybody run this by you
19 before it was put out there for the public?

20 A. I don't believe this was --
21 this complete communication was run by me.
22 It was run by my medical expert.

23 Q. And who is your medical expert?

24 A. I believe Dr. Jijo James, who
25 is the chief medical officer for the consumer

1 group, reviewed this and worked on it.

2 Q. Our court reporter would really
3 appreciate it if you would spell that name.
4 It'll save her from looking it up later.

5 A. Sure.

6 Jijo, J-i-j-o, last name James,
7 J-a-m-e-s.

8 Q. Thank you very much.

9 Now, under safety it says,
10 "When concerns about an association between
11 talc and ovarian cancer were first raised in
12 the early 1980s, Johnson & Johnson took them
13 very seriously and did the things you would
14 expect from a company you trust, including,
15 colon."

16 Do you see that?

17 A. Yes, I do.

18 Q. First of all, we already know
19 that that's false, don't we?

20 A. No, I don't agree.

21 Q. Ma'am, did you think that
22 concerns about an association between talc
23 and ovarian cancer were first raised in the
24 early 1980s?

25 A. I wasn't at the company at the

1 of the scientific literature.

2 MR. LANIER: Objection.

3 Nonresponsive.

4 QUESTIONS BY MR. LANIER:

5 Q. Did you just miss these?

6 I'm talking about you. What

7 did you do before you got on that video and

8 told the world, as the chief medical officer,

9 that you were vouching for the safety of

10 talc?

11 Did you do your research right?

12 A. I did.

13 Q. Did you take it seriously?

14 A. Absolutely seriously.

15 Q. Did you find these articles in

16 the '70s and in the '60s?

17 A. It's impossible for --

18 Q. It wasn't my question.

19 Did you find them?

20 MS. SHARKO: No. Let her

21 finish her answer.

22 THE WITNESS: It's

23 impossible -- one person couldn't and

24 shouldn't be an expert on the safety

25 of every single product that Johnson &

1 Johnson has.

2 The safety expert in our

3 company is Dr. Susan Nicholson, and I

4 met with her to discuss the safety of

5 talc before I did the video.

6 MR. LANIER: Objection.

7 Nonresponsive.

8 QUESTIONS BY MR. LANIER:

9 Q. Answer my question, please.

10 MS. SHARKO: Objection. Asked

11 and answered. She answered the

12 question.

13 THE WITNESS: I met with

14 Dr. Susan Nicholson and reviewed her

15 assessment on the safety of the

16 product.

17 QUESTIONS BY MR. LANIER:

18 Q. What question do you think

19 you're answering?

20 A. Your last question, but if you

21 would --

22 Q. Do you know what it was?

23 A. Please ask it again.

24 Q. Did you find these articles?

25 That's a "yes" or "no," or

1 maybe it's an "I don't remember."

2 A. I did not go back and do an
3 extensive scientific literature search. I
4 met with the person responsible for the
5 safety of this product, Dr. Susan Nicholson,
6 and it's her responsibility to understand all
7 of the safety and all the literature.

8 Q. Well, then why are you the one
9 who's standing up there vouching for it being
10 safe when all you're doing is relying on
11 hearsay of someone else?

12 A. I don't agree with that. I
13 don't believe hearsay is an appropriate way
14 to characterize --

15 Q. That's what it's called in a
16 court of law.

17 A. -- a scientific evaluation by a
18 medical safety expert, Dr. Susan Nicholson.

19 Q. Well, you don't even say that
20 on the video. You don't say on the video,
21 "Look, I hadn't researched this stuff, but I
22 talked to one of our people on the payroll,
23 and they've assured me that this talc is safe
24 stuff, that they've done the research."

25 That's not what you say on that

1 Q. So when you were making it, did
2 you tell them, "Hey, I don't know if these
3 are the facts. I wasn't at the company" --
4 what's your line?

5 Did you tell the people who had
6 you speaking, "I wasn't at the company in the
7 '70s and '80s, so I can't give you context
8 about this"?

9 Did you tell them that?

10 A. I wouldn't tell them that
11 because I spoke to our safety expert,
12 Dr. Susan Nicholson.

13 Q. So you can't rely upon one
14 person for all of your knowledge, can you?

15 A. Absolutely. We have a safety
16 standard within Johnson & Johnson. We have
17 teams of people within each of the operating
18 companies, and we have a safety officer for
19 each of our products.

20 Dr. Susan Nicholson is the
21 expert and safety officer for that product.
22 She works with other experts within that
23 company to make the decisions about the
24 safety of our products. So, absolutely, I
25 can rely on her.

1 Q. So you can rely on just one
2 person to give you all the knowledge you
3 need?

4 A. I rely on her to give me the
5 assessment, her assessment, and the team's
6 assessment of the safety of the product.

7 Q. Why didn't she make the video?

8 A. There was a team that met, and
9 they asked me to do the video, and I was
10 happy to do so.

11 Q. Did you tell them, "But I don't
12 really know about this. I'm just taking the
13 word for one of our people who doesn't have
14 my job"?

15 A. I felt very comfortable making
16 the video --

17 Q. Wasn't my question.

18 I said: Did you tell them
19 that?

20 A. I wouldn't tell them. I didn't
21 and I wouldn't tell them that because I did
22 feel comfortable making the video --

23 MR. LANIER: Objection.

24 Nonresponsive.

25 THE WITNESS: -- based on my

1 asbestos.

2 Q. Okay. You know enough to know
3 that Johnson & Johnson has no asbestos in
4 their talc and that that's important
5 because -- right?

6 A. Yes. I'm aware that we have
7 experts in our company who test our product
8 and assure that it does not contain asbestos.

9 Q. Well, you've been worried about
10 whether or not your product contains
11 asbestos, haven't you?

12 A. Me personally?

13 Q. Yeah.

14 A. I have not been worried about
15 that because there are experts within our
16 company, within the consumer group, that
17 assures us that it does not contain asbestos.

18 (Waldstreicher Exhibit 14
19 marked for identification.)

20 QUESTIONS BY MR. LANIER:

21 Q. Well, I'm going to show you a
22 copy of Exhibit 14, and it's an e-mail from
23 you.

24 A. Okay.

25 Q. You are the Joanne

1 And then the update came
2 from -- now, who is -- you pronounced this
3 name earlier for me, and I had you spell it
4 for her, but I can't remember how you
5 pronounced it.

6 A. Dr. Jijo James.

7 Q. Jijo James.

8 This is the same doctor you
9 were talking about, right?

10 A. Yes. He's the chief medical
11 officer for the consumer group.

12 Q. So Dr. Jijo James says, "Sure,
13 I'll reach out for specifics. Are you
14 available for a quick call so I can be sure
15 of the information needed? The reason I ask
16 is that we've had numerous authorities,
17 including those in India, reach out multiple
18 times and test our products. As you can
19 anticipate, we've not had any major GMP
20 issues, but I'm pretty sure that's not what
21 you're looking for."

22 And then you said the
23 following: "Just give me reassurance this is
24 only a result of legal publicity and we don't
25 anticipate any problems with contamination or

1 asbestos. I think that's all I need."

2 Correct?

3 A. Yes, that's what I wanted

4 reassurance on.

5 Q. Yeah.

6 Because even in June of 2016,

7 Joanne Waldstreicher needed reassurance on

8 the issue of talc and asbestos, right?

9 A. I needed reassurance about the
10 laboratory testing. It was unclear if these
11 tests were conducted by us at a high quality
12 lab with assurance of no contamination and
13 good scientific rigor. And I wasn't sure
14 where this testing was done, and I wanted
15 Dr. Jijo James to confirm for me that we
16 don't anticipate any problems with this kind
17 of testing.

18 Q. Because the presence of
19 asbestos would be a game-changer, wouldn't
20 it?

21 MS. SHARKO: Object to the
22 form.

23 THE WITNESS: I don't want
24 to -- I don't agree with the way that
25 you've phrased that only because it --

1 don't think there's one authoritative body.

2 Q. I'm talking about an
3 international body.

4 A. I think the National Cancer
5 Institute is recognized internationally.

6 Q. Okay. And so if I show you
7 where the National Cancer Institute says it,
8 you would believe it?

9 A. Again, I'm not an expert on
10 asbestos. I think that you should ask an
11 expert these questions.

12 Q. But you're the one who got on
13 TV and said that our talc is safe.

14 A. And that was based on my
15 discussion with Dr. Nicholson and assurances
16 from Dr. James and Dr. Nicholson that we have
17 experts who are evaluating that and assure us
18 that our talc is asbestos-free.

19 Q. What if your internal experts
20 who are getting paid to sell the product are
21 wrong?

22 MS. SHARKO: Object to the form
23 of the question. Lacks foundation.

24 THE WITNESS: That's not
25 accurate. Our experts don't get paid

1 spoke to an expert who is in charge of the
2 safety of our product --

3 Q. So who swore to you that there
4 was no asbestos in it?

5 A. Both Dr. Susan Nicholson and
6 Dr. Jijo James have assured me that there's
7 no asbestos in our products.

8 Q. And do they both work for the
9 company now?

10 A. They both work for Johnson &
11 Johnson in the consumer group.

12 Q. Here are the messages on page 4
13 of 16 that people are being taught --

14 A. I need to just look at the
15 document before I go right to page 16. I'm
16 not familiar with this. I've never seen it
17 before. It looks like an old document that
18 was typed, so I don't know what year it's
19 from.

20 Q. Ma'am, this is not going to be
21 rocket science. This just says, "This
22 briefing document is for J&J personnel who
23 attend health care conventions," and then
24 we've got messages on page 4 of 16.

25 Do you see the messages?

1 asbestos experts.

2 A. Great. Great.

3 Q. My question is to you: Can
4 anybody believe a word you say when you get
5 on the videos and you claim as chief medical
6 officer you care about transparency, you care
7 about being honest, you care about putting
8 the patients first, and you know that the
9 talc is safe and it doesn't cause cancer,
10 even though you have no clue about what
11 you're talking about vis-à-vis asbestos?

12 MS. SHARKO: Objection.

13 QUESTIONS BY MR. LANIER:

14 Q. Are we supposed to believe you?

15 MS. SHARKO: Objection.

16 Insulting. Arguing with the witness.

17 Mr. Lanier, this is totally
18 inappropriate. You're supposed to be
19 taking a discovery deposition, not
20 coming here to insult the witness.

21 THE WITNESS: My job is
22 oversight of the policies, procedures
23 and personnel who are in place to
24 accomplish our safety goals.

25 We have experts in our

1 operating companies who are
2 responsible for reviewing and driving
3 the evaluation of the safety of those
4 products, and we rely on those
5 experts.

6 No single person can know
7 everything about every single product,
8 but we have experts in our company who
9 are experts on individual products,
10 and we rely on them for their overall
11 assessments.

12 (Waldstreicher Exhibit 19
13 marked for identification.)

14 QUESTIONS BY MR. LANIER:

15 Q. Yeah.

16 Did you know about some more
17 testing that showed asbestos in your baby
18 powder that I'm showing you with Exhibit 19?

19 Have you seen this before?

20 A. I haven't seen any of these
21 documents before.

22 Q. Well, Exhibit 19, you'll see,
23 is another document with a high importance
24 marked on it. This is from your supplier
25 Luzenac. The subject is J&J news report.